

1 DURIE TANGRI LLP  
2 SONAL N. MEHTA (SBN 222086)  
3 smehta@durietangri.com  
4 JOSEPH C. GRATZ (SBN 240676)  
5 jgratz@durietangri.com  
6 ANDREW L. PERITO (SBN 269995)  
7 aperito@durietangri.com  
JOSHUA D. FURMAN (SBN 312641)  
jfurman@durietangri.com  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: (415) 362-6666  
Facsimile: (415) 236-6300

8 Attorneys for Defendant  
9 ZSCALER, INC.

PAUL ANDRE (State Bar No. 196585)  
[pandre@kramerlevin.com](mailto:pandre@kramerlevin.com)  
LISA KOBIALKA (State Bar No. 191404)  
[lkobialka@kramerlevin.com](mailto:lkobialka@kramerlevin.com)  
JAMES HANNAH (State Bar No. 237978)  
[jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
AUSTIN MANES (State Bar No. 284065)  
[amanes@kramerlevin.com](mailto:amanes@kramerlevin.com)  
KRAMER LEVIN NAFTALIS &  
FRANKEL LLP  
990 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 752-1700  
Facsimile: (650) 752-1800

10 Attorneys for Plaintiff  
11 FINJAN, INC.

12 IN THE UNITED STATES DISTRICT COURT

13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 FINJAN, INC.,

16 Plaintiff,

17 v.

18 ZSCALER, INC.,

19 Defendant.

20 Case No. 3:17-cv-06946-JST

21 **STIPULATION AND [PROPOSED] ORDER**  
**EXTENDING CLAIM CONSTRUCTION**  
**DEADLINES**

22 Ctrm: 9, 19th Floor  
23 Judge: Honorable Jon S. Tigar

Pursuant to Civil L.R. 6-2, 7-12 and Patent L.R. 1-3, Defendant Zscaler, Inc. (“Zscaler”) and Plaintiff Finjan, Inc. (“Finjan”) (collectively, the “Parties”) respectfully and jointly submit the following Stipulation and [Proposed] Order extend the claim construction deadlines set forth previously in Dkt. 74. Pursuant L.R. 6-2(a), this stipulated request is supported by the Declaration of Joshua D. Furman in Support of Stipulation and [Proposed] Order Extending Claim Construction Deadlines (“Furman Decl.”). In support of the stipulated request, the parties state as follows:

1. Pursuant the Court’s Scheduling Order at Dkt. 74, the deadlines for the claim construction are currently as set forth below:

Event	Current Date
Joint Claim Construction Prehearing Statement	December 14, 2018
Last day to exchange expert declarations regarding claim construction	December 21, 2018
Close of claim construction discovery	January 11, 2019
Finjan’s opening claim construction brief	January 22, 2019
Zscaler’s responsive claim construction brief	February 12, 2019
Finjan’s reply claim construction brief	February 22, 2019
Tutorial	March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM

2. Zscaler filed a Motion to Enforce Order (Dkt. 77) on November 15, 2018, moving to Court to enforce the Court’s order in Dkt. 72 and compelling Finjan to provide amended infringement contentions. Finjan opposed this motion (Dkt. 80) on November 29, 2018. The Motion is noticed for a hearing on December 20, 2018.

3. The Joint Claim Construction Prehearing Statement filing deadline is scheduled for December 14, 6 days prior to the December 20 hearing date for the Motion to Enforce Order. Claim construction expert declarations are due December 21, one day after the hearing.

1       4. In order to conserve judicial and party resources, and considering the hearing on  
2 December 20, the parties agree to adjust the claim construction schedule in this case as follows:

Event	Current Date (per Dkt. 74)	Modified [Proposed] Date
Joint Claim Construction Prehearing Statement	December 14, 2018	December 21, 2019
Last day to exchange expert declarations regarding claim construction	December 21, 2018	January 4, 2019
Close of claim construction discovery	January 11, 2019	January 25, 2019
Finjan's opening claim construction brief	January 22, 2019	February 5, 2019
Zscaler's responsive claim construction brief	February 12, 2019	February 26, 2019
Finjan's reply claim construction brief	February 22, 2019	March 8, 2019
Tutorial	March 12, 2019, 1:30 PM	<i>UNCHANGED</i> March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM	<i>UNCHANGED</i> March 25, 2019, 1:30 PM

19       5. Aside from those listed above, this stipulation will not change or alter the date of any  
20 other event or any other deadline already established by Court order.

21       6. This stipulation will not change or alter the date of the Claim Construction Tutorial or  
22 Hearing. The time interval between the Tutorial and the Hearing remain unchanged at 13 days.

23       7. While parties acknowledge that the number of days between the completion of briefing  
24 and the claim construction tutorial is reduced by 13 days, we are hopeful that the proposed schedule  
25 modification will not hinder the Court's opportunity to review the briefing in advance of the Hearing  
26 given that the 13-day period between the tutorial and the hearing is unchanged. The parties are of course

1 amenable to a corresponding continuance of the Tutorial and/or Hearing dates, as convenient for the  
2 Court.

3       8.      The schedule in this case has been modified with respect to four events. On January 12,  
4      2018 the parties stipulated to extend the time for Zscaler to respond to the Complaint until February 12,  
5      2018, which was effective under Civil Local Rule 6-1(a) at Dkt. 14. The settlement conference date was  
6      also rescheduled from July 13, 2018 to September 11, 2018 at Dkt. 54, again to September 19, 2018 at  
7      Dkt. 67, and again to September 28, 2018 at Dkt. 70. The Court also granted the parties' stipulation to set  
8      the deadline for expert declarations in support of claim construction positions at Dkt. 69. The Court also  
9      granted the parties' stipulation to extend deadlines for claim construction in Dkt. 74 in view of the  
10     court's Order to produce more detailed infringement contentions in Dkt. 72.

11 For the foregoing reasons, the Parties respectfully request that the Court modify the claim  
12 construction deadlines as set forth above.

## **IT IS SO STIPULATED.**

15 | Dated: December 7, 2018

DURIE TANGRI LLP

By: \_\_\_\_\_ /s/ *Joshua D. Furman*  
JOSHUA D. FURMAN

Attorneys for Defendant  
ZSCALER, INC.

Dated: December 7, 2018

KRAMER LEVIN NAFTALIS & FRANKEL LLP

By: \_\_\_\_\_ /s/ *Austin Manes*  
AUSTIN MANES

Attorney for Plaintiff  
FINJAN, INC.

## **FILER'S ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Joshua D. Furman, attest that concurrence in the filing of this document has been obtained.

/s/ Joshua D. Furman

JOSHUA D. FURMAN

1                   **{PROPOSED} ORDER**

2                   PURSUANT TO STIPULATION, THE SCHEDULE IN THIS CASE IS MODIFIED AS SET  
3 FORTH ABOVE AND AS FOLLOWS:

Event	Date
Joint Claim Construction Prehearing Statement	December 21, 2019
Last day to exchange expert declarations regarding claim construction	January 4, 2019
Close of claim construction discovery	January 25, 2019
Finjan's opening claim construction brief	February 5, 2019
Zscaler's responsive claim construction brief	February 26, 2019
Finjan's reply claim construction brief	March 8, 2019
Tutorial	March 12, 2019, 1:30 PM
Claim Construction Hearing	March 25, 2019, 1:30 PM

19                   **IT IS SO ORDERED.**

20                   Dated: December 11, 2018

21                     
HONORABLE JON S. TIGAR  
UNITED STATES DISTRICT JUDGE